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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS**

**STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**REX ALAN HOLLAND, P.T.**  
1145 West Sacramento Avenue  
Suite B  
Chico, California 95926

Physical Therapist License No. PT 2115,

Respondent.

Case No. 2001\_07\_1052

**A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about September 21, 1995, the Physical Therapy Board of California issued Physical Therapist License Number PT 2115 to REX ALAN HOLLAND (Respondent). The Physical Therapist License expired on July 31, 2003, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), under the authority of the following sections of the Business and Professions Code (Code).

Section 2  of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.


Section 2  of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

. . .

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

- ...
- (l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist.

Section 2661 of the Code states .

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

4. Section 2661.5 of the Code states:

- (a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

- (b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

- (c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

- (d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

- (e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.

- (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum

of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.

(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct.

**FIRST CAUSE FOR DISCIPLINE**  
**(Conviction of Crime Substantially Related)**  
**[Bus. & Prof. Code § 2660(d)]**



5. Respondent is subject to disciplinary action under section 2660(d) of the Business and Professions Code in that while a licensed physical therapist, he was convicted of substantially related to the qualifications, functions or duties of a physical therapy assistant as follows:

A. On September 27, 2000, respondent was convicted by the court on his plea of guilt to one count of a violation of Penal Code section 243(e) [spousal battery] in Butte County Superior Court, case number NCR 85470, entitled *People v. Rex Alan Holland*, and sentenced to ten days in the county jail, fine of \$300, attend a domestic violence program and placed on four years probation.

The circumstances surrounding the conviction are as follows:

On or about August 25, 1999, respondent grabbed his estranged wife by the neck and placed her head on the hood of a car.

**SECOND CAUSE FOR DISCIPLINE**  
**(Conviction Involving Fraud, Dishonesty, or a Corrupt Act)**  
**[Bus. Prof. Code § 3750(l)]**



6. Respondent is subject to disciplinary action under section 2660(l) of the Business and Professions Code in that while a licensed physical therapy assistant, he committed fraudulent, dishonest or corrupt acts which are substantially related to the qualifications, functions or duties of a physical therapy assistant as set forth in paragraph 8.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist License Number PT 2115, issued to REX ALAN HOLLAND;
2. Ordering REX ALAN HOLLAND to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;
3. Taking such other and further action as deemed necessary and proper.

DATED: 03/14/03.

Original Signed By Mara Faust

STEVEN K. HARTZELL

Executive Officer

Physical Therapy Board of California

Department of Consumer Affairs

State of California

Complainant